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FEDERAL REGISTER

VOLUME 3 NUMBER 213

Washington, Tuesday, November 1, 1938

The President

Ouachita National Wildlife Preserve—Arkansas

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by proclamation of March 8, 1935 (49 Stat. 3439), certain lands of the United States within the Ouachita National Forest, Arkansas, were designated as the "Muddy Creek Refuge"; and

WHEREAS it appears that it would be in the public interest to enlarge the said refuge, and to change the name thereof to "Ouachita National Wildlife Preserve":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 13, 1933, 48 Stat. 128 (U. S. C., title 16, sec. 693), and upon recommendation of the Secretary of Agriculture, do proclaim that the said Muddy Creek Refuge is hereby enlarged so that it shall include and be composed of the area within the following-described boundaries, and that such refuge shall hereafter be known as the "Ouachita National Wildlife Preserve":

Beginning at a point on the south line of Sec. 25, T. 2 N., R. 27 W., 5th P. M., where the east line of the right-of-way of Highway No. 28 intersects this section line approximately 30 chains west of the southeast corner of said section 25; thence in a northeasterly direction, following the east line of the right-of-way of Highway No. 28, approximately a third of a mile, to its intersection with Hurricane Ridge Road, which branches off to the east; thence in a northeasterly direction, following the south line of right-of-way of Hurricane Ridge Road, approximately five miles, to its intersection with the east line of SW¼SW¼, section 12, T. 2 N., R. 26 W; thence south to the south line of said section 12 and continuing south 5 chains into section 13, T. 2 N., R. 26 W.; thence east 20 chains; thence north 5 chains to the north line of said section 13; thence east along this section line 20 chains; thence north approximately 23 chains to the south line of the right-of-way of Little Texas Road; thence northeasterly, following the south line of said right-of-way approximately five miles to its intersection with West Gafford Creek near the east line of section 2, T. 2 N., R. 25 W.; thence following up west bank of West Gafford Creek in a southerly direction approximately 2 miles to a branch entering West Gafford Creek from the east in the NW¼NW¼, section 13, T. 2 N., R. 25 W.; thence in an easterly direction, following the south bank of said branch approximately 2½ miles to its source and continuing approximately ¼ mile to the hydrographic divide between West Gafford Creek and Gafford Creek in the SE¼ of section 8, T. 2 N., R. 24 W.; thence in a southwesterly direction approximately 4 miles along the top of said divide to the section line between sections 35 and 36, T. 2 N., R. 25 W.; thence south approximately ½ mile along said section line, to the southeast corner of section 35; thence continuing south on the section line between sections 1 and 2, T. 1 N., R. 25 W., to the SE corner of section 2; thence east approximately 2⅓ miles along section lines between sections 1 and 12, T. 1 N., R. 25 W., and sections 6 and 7 and 5 and 8, T. 1 N., R. 24 W., to the first hydrographic divide east of Ritter Creek; thence in a southeasterly direction, following said divide, approximately ½ mile to the summit of Muddy Creek Mountain; thence following the divide of Muddy Creek Mountain in a northeasterly direction, to its summit at Lone Pine Lookout Tower in NW¼, section 2, T. 1 N., R. 24 W.; thence, in a southeasterly direction, along the first hydrographic divide north of Muddy Creek leading from Muddy Creek Mountain approximately 1¼ miles to the section line between sections 11 and 12, T. 1 N., R. 24 W.; thence south along said section line and the section line between sections 13 and 14, said township approximately one mile, to the hydrographic divide to the south of Muddy Creek; thence in a southwesterly direction along said divide,

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FEDERAL REGISTER

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approximately 5 miles to the approximate center of section 32, T. 1 N., R. 24 W., where this divide intersects a divide running northwest and dividing Muddy Creek at the north from Wheat Creek to the south; thence following this divide in a northwesterly direction approximately one mile to the north and south quarter-section line of section 31, near its north quarter-section corner; thence in a southwesterly direction, following a short ridge approximately ½ mile to the west line of section 31, T. 1 N., R. 24 W.; thence south, with the west line of section 31 to the SW corner of said section; thence west with the south lines of T. 1 N., R. 25 W., and T. 1 N., R. 26 W., to the SW corner of section 35, T. 1 N., R. 26 W.; thence north with the west line of section 35 to the hydrographic divide south of West Fiddler's Creek; thence in a westerly direction following the hydrographic divide south of West Fiddler's Creek, approximately 2½ miles to the junction of Forester Road and U. S. Highway No. 270 in the SW¼, section 4, T. 1 S., R. 26 W.; thence in a northerly direction, following the east line of the right-of-way of Forester Road approximately 7 miles to its junction with East Cedar Road in the NE¼, section 7, T. 1 N., R. 26 W.; thence in an easterly direction, following the south line of the right-of-way of East Cedar Road approximately ¼ mile to its intersection with the east section line of said section 7; thence north along this section line to the NE corner of section 6; thence east 2.89 chains to the SW corner of section 32, T. 2 N., R. 26 W.; thence north to the NW corner of said section 32; thence west along the south section line of section 30, T. 2 N., R. 26 W., and the south section line of section 25, T. 2 N., R. 27 W., to the place of beginning; containing 78,000 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of October in the year [SEAL] of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2308]

[F. R. Doc. 38-3280; Filed, October 31, 1938; 12:51 p. m.]

MODIFICATION OF POSTAGE RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS I find after survey that the interests of the public, in the promotion of the cultural growth, education, and development of the American people, require that the postage rates on books of the class hereinafter described be modified:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, and Public Resolution 48, approved June 29, 1937, 50 Stat. 358, do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall be for the period commencing November 1, 1938, and ending June 30, 1939, one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of October, in the year [SEAL] of our Lord nineteen hundred and thirty-eight and of the Independence of the United States of America the one-hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2309]

[F. R. Doc. 38-3281; Filed, October 31, 1938; 12:51 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

COMMODITY CREDIT CORPORATION

1938 WHEAT CIRCULAR LETTER No. 2

SUPPLEMENTAL INSTRUCTIONS

AUGUST 27, 1938.

The Instructions (1938 CCC Wheat Form 1)[1] issued by Commodity Credit Corporation for the 1938 wheat loan program are hereby amended and supplemented.

Commodity Credit Corporation will make loans on eligible wheat stored on farms in the following counties in New Mexico:

San Juan, Taos and Rio Arriba, and that portion of Colfax County lying west of the west boundary of Township 22 East, New Mexico Principal Meridian in the state of New Mexico.

Subsection (a) of Section 3 of said Instructions is hereby supplemented by adding the following basic loan value for wheat of the added grade and subclass at the terminal market indicated:

Market	Grade and subclass	Loan value per bushel
Minneapolis and Duluth, Minnesota, and Superior, Wisconsin.	No. 2 Hard White Wheat.	$0.75

Subsection (b) of Section 3 of said Instructions is hereby further amended by adding the following paragraph:

"The loan value of eligible wheat stored in approved subterminal warehouses which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market. Arrangements have been made for the railroads to indicate such balances on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan value as determined above there must be attached to the warehouse receipts, representing eligible wheat, issued by approved subterminal warehouses, freight bills duly registered for transit privileges and bearing the stamped or typed notation over the signature of the station agent of the railroad as to the transit balance of the through freight applicable to such wheat to the appropriate designated terminal market. A notation substantially as follows will be sufficient:

" 'Balance through freight rate to ---------- is ---- cents per 100 pounds.
(Market)

(Railroad Company)
By ----------
Agent' "

The foregoing shall apply to all approved warehouses that have executed the Terminal Warehouse Agreement (1938 CCC Wheat Form H) other than those situated in the designated terminal markets. Lending agencies may proceed with the making of loans on this basis. Information in regard to the appropriate designated terminal market may be obtained from the Loan Agencies of Reconstruction Finance Corporation.

Due to the refusal of warehousemen to issue insured warehouse receipts in the Pacific Northwest, Commodity Credit Corporation has obtained primary insurance on wheat stored in public warehouses in the states of California, Idaho, Oregon and Washington, which is pledged as security to notes held by Commodity Credit Corporation on 1938 CCC Wheat Form B. This insurance covers the risks of fire, lightning, explosion and windstorm, cyclone and tornado and attaches only on the making of loans or the purchase of paper by Commodity Credit Corporation. Lending agencies must carry their own insurance and no allowance will be made for such insurance on the purchase of notes. Wheat stored by warehousemen issuing insured warehouse receipts in the above states will not be covered by the primary insurance of Commodity Credit Corporation.

Terminal and subterminal warehousemen are advised that Commodity Credit Corporation will accept only the original, official inbound inspection certificates, or duplicates thereof, under Section 9 of the Instructions (1938 CCC Wheat Form 1).

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3254; Filed, October 29, 1938; 10:23 a. m.]

[C. C. C. Cotton Form 1, Instructions, 1938-39]

INSTRUCTIONS CONCERNING THE MAKING OF LOANS BY COMMODITY CREDIT CORPORATION TO COTTON PRODUCERS ON NOTES SECURED BY COTTON WAREHOUSE RECEIPTS

SEPTEMBER 1, 1938.

Commodity Credit Corporation has authorized the making of loans and the purchase of paper of producers of cotton, secured by pledge of cotton warehouse receipts. These instructions state the requirements with reference to making such loans and the purchase of such paper.

1. *Definitions.*—As used in these instructions, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Producer.*—Any person, partnership, association, or corporation producing cotton either as landowner, landlord, or tenant.

(b) *Cooperator.*—Any producer who has not knowingly planted, or caused or permitted the planting of cotton in 1938 on any farm in excess of the cotton acreage allotment established for the farm in connection with farm marketing quotas for cotton for the 1938-39 marketing year. All other producers are noncooperators.

(c) *Eligible cotton.*—Cotton produced in 1938 by a cooperator, of grade and staple as specified in section 3 hereof, the beneficial title to which is and always has been in the producer. That portion of the cotton produced by a noncooperator, meeting the requirements specified above, which if marketed would be subject to penalty provided in the Agricultural Adjustment Act of 1938.

(d) *Lending agency.*—Any bank, corporation, partnership, association, or person lending money to producers on 1938-39 C. C. C. Cotton Form A in accordance with these instructions (A Loan Agency of the Reconstruction Finance Corporation is not included within this definition.)

(e) *Eligible paper.*—Notes of producers with loan agreements upon 1938-39 C. C. C. Cotton Form A or any form hereafter approved by Commodity Credit Corporation dated subsequent to September 10, 1938, and prior to May 1, 1939, and executed in accordance with these instructions with State documentary revenue stamps affixed thereto where required by law. (Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law, and all such notes must be submitted for direct loans in accordance with section 12 hereof.)

2. *Forms.*—The following documents must be delivered in connection with every loan made or note purchased by Commodity Credit Corporation:

(a) Note of producer (1938-39 C. C. C. Cotton Form A).

(b) Loan agreement (1938-39 C. C. C. Cotton Form A).

(c) Warehouse receipts complying with the provisions of section 8 hereof issued by an approved warehouse.

(d) Producer's Letter of Transmittal (1938-39 C. C. C. Cotton Form B) or Lending Agency's Letter of Transmittal (1938-39 C. C. C. Cotton Form C).

(e) Certificate of classing complying with the provisions of section 4 hereof.

3. *Amount.*—Loans to cooperators will be made on the basis of the rates shown in the following schedule and loans to noncooperators will be made on the basis of 60% of such rates. Loans will not be made on grades of cotton not shown below, or on Irrigated Cotton less than $^{15}/_{16}$ inch staple length. The rates shown below are expressed in cents per pound of cotton.

[1] 3 F. R. 1997 DI.

Loan rates applicable for all growths of American upland cotton except irrigated cotton

Grade	Length of staple					
	15/16"	7/8" and 29/32"	15/16" and 31/32"	1" and 1 1/32"	1 1/16" and 1 3/32"	1 1/8" and longer
White and extra white:						
Good middling and better	7.80	8.80	9.10	9.40	9.80	10.75
Strict middling	7.60	8.60	8.90	9.20	9.65	10.60
Middling	7.20	8.30	8.60	8.90	9.30	10.20
Strict low middling	6.40	7.70	8.00	8.30	8.55	8.95
Low middling	5.30	6.70	6.90	7.10	7.20	7.40
Spotted:						
Good middling	7.30	8.30	8.65	8.90	9.20	9.80
Strict middling	7.10	8.10	8.45	8.75	9.05	9.40
Middling	6.30	7.50	7.90	8.15	8.40	8.70
Tinged:						
Good middling	6.50	7.80	7.95	8.20	8.40	8.90
Strict middling	6.20	7.50	7.75	7.95	8.20	8.65
Yellow stained:						
Good middling	5.40	6.80	7.10	7.30	7.50	7.70
Gray:						
Good middling	6.50	7.70	7.90	8.10	8.30	8.90
Strict middling	6.30	7.50	7.70	7.90	8.10	8.60

Loan rates applicable to irrigated cotton grown in western Texas, New Mexico, Arizona, and California

Grade	Length of staple			
	15/16" and 31/32"	1" and 1 1/32"	1 1/16" and 1 3/32"	1 1/8" and longer
White and extra white:				
Good middling and better	8.85	9.25	9.50	9.70
Strict middling	8.75	9.15	9.40	9.60
Middling	8.45	8.75	9.00	9.20
Strict low middling	7.40	7.50	7.70	7.85
Low middling	None	None	None	None
Spotted:				
Good middling	7.60	7.70	7.80	7.85
Strict middling	7.50	7.60	7.70	7.75
Middling	6.85	6.95	7.00	7.00
Tinged:				
Good middling	None	None	None	None
Strict middling	None	None	None	None
Yellow stained:				
Good middling	None	None	None	None
Gray:				
Good middling	None	None	None	None
Strict middling	None	None	None	None

4. *Classification of cotton.*—Commodity Credit Corporation will accept as evidence of the grade and staple of cotton:

(a) The classification shown on the warehouse receipt of a warehouseman licensed under the United States Warehouse Act; or

(b) A Form A, Classification Memorandum of the United States Department of Agriculture; or

(c) A Form 1, Classification Memorandum of the United States Department of Agriculture; or

(d) A Federally Licensed Cotton Classifier's Certificate.

Section 9 of the Loan Agreement (1938 C. C. C. Cotton Form A) provides for a deduction of five cents per bale from the loan proceeds. The funds derived from this source will be used to supervise the classing of the pledged cotton. The payee named in the note should withhold an amount equal to five cents per bale for all pledged cotton, and such amount will be deducted by Commodity Credit Corporation at the time of purchase of notes from lending agencies.

5. *Preparation of documents.*—A producer desiring a loan upon eligible cotton may obtain the necessary forms from any county Agricultural Conservation Committee in the cotton-producing areas, also from the Loan Agencies of the Reconstruction Finance Corporation listed in section 16 of these instructions. Such forms may also be obtained from Commodity Credit Corporation, Washington, D. C. The forms are identified and no reprints or substitutes may be used.

All blanks in both the note and loan agreement must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be acepted by Commodity Credit Corporation. Only the white copy of the note and loan agreement marked *original* is to be executed; the colored copy marked *duplicate* is to be returned by the producer.

6. *Determination of cooperators or non-cooperators.*—As evidence that the producer is a cooperator, Commodity Credit Corporation will accept the certificate of the payee named in the note as provided in the "Payee's Certificate" appearing on the reverse side of the note. Where notes are signed jointly by two or more producers the serial numbers of Form(s) Cotton 211 for all signatories to the note must be shown in the "Payee's Certificate." If such certificate is not signed by the original payee the applicable certificate of the County Agricultural Conservation Committee appearing in section 10 of the loan agreement must be completed. The certificate of the County Agricultural Conservation Committee must be completed on all notes tendered for direct loans by Commodity Credit Corporation pursuant to section 12 hereof.

7. *Warehouses.*—Commodity Credit Corporation will accept only insured warehouse receipts covering cotton pledged as collateral to notes on 1938–39 C. C. C. Cotton Form A issued by any warehouse approved by Commodity Credit Corporation. Warehousemen are advised to communicate with the Loan Agency of the Reconstruction Finance Corporation serving the district in which such warehouses are located, concerning approval. When warehouses are approved, notification will be given either by letter or published lists. All cotton pledged as security for a note must be in the same warehouse.

The warehouseman is required, as provided in the certificate and waiver in section 1 of the loan agreement, to draw representative samples from the bales and to deliver or forward such samples for classing. Warehousemen are also required to hold the identical samples used in classing for the account of Commodity Credit Corporation, except that provision is made to accept the samples returned by a representative of the United States Department of Agriculture as the identical samples.

8. *Warehouse receipts.*—Only negotiable insured warehouse receipts dated on or prior to the date of the producer's note and properly assigned by an endorsement in blank so as to vest title in the holders or issued to bearer, executed by warehousemen who are not owners of the cotton, will be acceptable. They must set out in their written or printed terms a description by tag number and weight of the bale or bales represented thereby, and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1938, which by their terms will expire prior to August 1, 1939, must bear endorsement of the warehouse extending the terms of the warehouse receipt for a period of 1 year from August 1, 1938. Block warehouse receipts will be accepted only when the tag number and weight of each bale is indicated on the block receipt.

9. *Warehouse charges.*—The warehouseman's charges are limited and his obligations defined by the form of warehouseman's certificate and waiver provided in section 1 of the loan agreement. This should be read carefully and

must be executed by the warehouseman issuing the cotton warehouse receipts pledged as collateral to the producer's note.

10. *Liens.*—All cotton tendered to Commodity Credit Corporation must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the loan agreement. The names of the holders of all existing liens on the pledged cotton such as landlords, laborers, or mortgagees (but not warehousemen), must be listed in the space provided therefor in section 2 of the loan agreement. If the borrower is a tenant, the landlord must sign the lien waiver whether or not he claims lien, unless the note is signed jointly by the landlord and tenant. A misrepresentation as to prior liens, or otherwise, will render the producer personally liable under the terms of the Loan Agreement (1938–39 C. C. C. Cotton Form A) and subject to criminal prosecution under the provisions of section 35 of the Criminal Code of the United States (18 U. S. C. A. 80). The waiver and consent to the pledge of the cotton and the payment of the proceeds of the loan and the proceeds of the sale of the cotton solely to the producer as contained in section 2 of the loan agreement must be signed personally by all lienholders listed or by their agents whose duly executed authority must be attached firmly; or, if corporations, by the designated officer thereof customarily authorized to execute such instruments, in which case the duly executed authority need not be attached. Notes in which the waiver and consent to pledge, as contained in section 2 of the loan agreement, are not signed by all prior lienholders listed by producers, will not be acceptable to Commodity Credit Corporation. The producer may direct in the Letter of Transmittal (1938–39 C. C. C. Cotton Form B) that the proceeds check for a direct loan from Commodity Credit Corporation be made payable to him and/or such other person or concern as he may direct thereon.

11. *Liability of producer.*—If the producer complies with the terms of the loan agreement, he will not be personally liable for any deficiency upon the sale of the pledged cotton. The note and loan agreement govern the liability of the producer and should be read carefully.

12. *Direct loans.*—It is contemplated that producers will ordinarily obtain loans from a local bank or other lending agency which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for making direct loans to producers prior to May 1, 1939. In such cases the note must be made payable to Commodity Credit Corporation and must be tendered to the Loan Agency of the Reconstruction Finance Corporation serving the district in which the cotton is stored on a Producer's Letter of Transmittal (1938–39 C. C. C. Cotton Form B) in duplicate, postmarked not later than midnight of April 30, 1939, if tendered by mail. Upon delivery of all necessary documents properly executed and upon approval, payment will be made in accordance with the directions of the producer contained in said 1938–39 C. C. C. Cotton Form B.

13. *Time and manner of loans and purchase.*—Commodity Credit Corporation will purchase eligible paper, as defined above, only from lending agencies which have executed and delivered prior to January 1, 1939, to the Loan Agency to which notes are submitted Contract to Purchase (1938–39 C. C. C. Cotton Form D) obtainable only from Loan Agencies. Under the terms of this contract, lending agencies are required to report on 1938–39 C. C. C. Cotton Form F all payments or collections on producers' notes held by them, and to remit promptly to Commodity Credit Corporation, Washington, D. C., an amount equivalent to one and one-half percent per annum interest on the principal amount collected from the date of the note to the date of payment, and five cents per bale for all cotton released.

Notes must be tendered on Lending Agency's Letter of Transmittal (1938–39 C. C. C. Cotton Form C) in duplicate prior to July 1, 1939, to the Loan Agency serving the district in which the cotton is stored as indicated in section 16 hereof. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from their respective dates to the date of payment of the purchase price at the rate of two and one-half percent per annum, less five cents per bale for all cotton pledged as security to the notes.

14. *Lending agency.*—The lending agency may endorse the notes of producers as provided in the note, 1938–39 C. C. C. Cotton Form A. Care should be exercised by the lending agency to determine the genuineness of the signatures to the note and loan agreement and that the warehouse receipts are genuine. No provision is made for any deduction from the loan proceeds as a charge for handling the loan documents. Lending agencies must complete the "Advice of Loan" slip appended to the loan agreement, detach and mail same to Commodity Credit Corporation, Washington, D. C., as loans are made to producers. All blanks in the Advice of Loan and Schedule of Repayments (1938–39 C. C. C. Cotton Form F) must be filled in with ink, indelible pencil, or typewriter.

15. *Insurance.*—Holders of notes desiring insurance coverage in addition to the insurance coverage provided by the warehousemen as specified in section 1 of the Loan Agreement (1938–39 C. C. C. Cotton Form A), should obtain such coverage at their own expense. In addition to the insurance provided by the warehousemen, Commodity Credit Corporation has obtained a blanket insurance policy covering any differences between the market value of the cotton and the loan value plus interest and accrued charges, in the event that the market value of the cotton at the time and place of a loss is less than the amount of the note plus interest and accrued charges. This blanket policy protects the Corporation in the event the warehouseman fails to comply with the insurance requirements of the Corporation and also covers any losses or damage to the cotton to the amount of the loan, plus interest and charges, due to flood.

The premium under this blanket policy is 1⅛ cents per $100 per month on the daily average balance of the outstanding loans, with respect to the insurance of warehousemen, and flood. The premium for any difference between loan value and market value is at the rate of 6 cents per $100 per month on the actual amount of such difference, this premium to be reported and paid only in the event that the market value as quoted by the Bureau of Agricultural Economics of the United States Department of Agriculture, for middling seven-eights inch cotton on the New Orleans spot market, is less than the loan value plus interest and accrued charges.

Banks and other lending agencies may obtain such insurance coverage as they desire through the usual channels or they may secure coverage under the blanket policy carried by Commodity Credit Corporation. Banks and other lending agencies desiring to obtain this coverage should write Commodity Credit Corporation, Washington, D. C., and appropriate instructions will be issued together with the necessary forms for reporting thereunder. Upon purchase by Commodity Credit Corporation no allowance will be made to cover the costs of insurance obtained by lending agencies.

16. *Loan Agencies of the Reconstruction Finance Corporation.*—The location of the Loan Agencies of the Reconstruction Finance Corporation previously referred to herein and the district served by each agency are shown below:

Loan agency	*District served*
Atlanta, Ga.	Georgia. Florida.
Birmingham, Ala.	Alabama.
Charlotte, N. C.	Virginia. North Carolina. South Carolina.
Dallas, Tex.	Cities in Texas attached to Dallas and El Paso in Federal Reserve Inter-District Collection System. New Mexico.
Houston, Tex.	Cities in Texas attached to Houston in Federal Reserve Inter-District Collection System.
Little Rock, Ark.	All cities in Arkansas except those attached to Memphis in Federal Reserve Inter-District Collection System.
Los Angeles, Calif.	California. Arizona.

Loan agency	*District served*
Memphis, Tenn.	Illinois. Missouri. Tennessee. Cities in Arkansas and Mississippi attached to Memphis in Federal Reserve Inter-District Collection System.
New Orleans, La.	Louisiana. Cities in Mississippi attached to New Orleans in Federal Reserve Inter-District Collection System.
Oklahoma City, Okla.	Oklahoma.
San Antonio, Tex.	Cities in Texas attached to San Antonio in Federal Reserve Inter-District Collection System.

17. *Repayments.*—If the producer's note was made payable directly to Commodity Credit Corporation and he desires to obtain the return of the note and the release of the collateral upon payment he should notify the Federal Reserve Bank or branch thereof serving the district in which the cotton is stored as provided in section 16 hereof. If his note was made payable to a payee other than Commodity Credit Corporation the producer should notify the payee named therein. Warehouse receipts representing cotton held by Commodity Credit Corporation will be released by the Federal Reserve Bank or branch thereof holding the receipts upon the payment of the amount of the loan, the accrued interest, and proper charges. Upon written request of the producer, or the payee or the lending agency, the note and warehouse receipts will be forwarded to an approved bank to be released to the producer or his agent against payment. Where receipts are transmitted to a bank they will be sent, with a request to return them to the sender, if payment and release are not effected within 15 days. All charges and expenses of the bank are to be paid by the producer. Where notes are repaid to lending agencies prior to purchase by Commodity Credit Corporation the loan agreement should be detached and mailed to Commodity Credit Corporation, Washington, D. C., with the remittance as provided in section 13 hereof.

18. *Partial releases.*—Producers may obtain the release of a part of the cotton securing any note upon payment of the amount loaned plus interest and proper charges on the cotton to be released. Lending agencies should credit partial payments on the notes. Commodity Credit Corporation will purchase producers' notes on which partial releases have been made by lending agencies, paying therefor the amount of the loan on the cotton remaining pledged as security to the note as determined in accordance with these instructions, plus interest at the rate of two and one-half percent per annum on such amount less the deduction of five cents per bale referred to in sections 4 and 13 hereof. If the note is held by Commodity Credit Corporation, producers desiring to obtain a partial release of collateral should identify the cotton to be released by warehouse receipt numbers.

[SEAL] M. R. BUCK,
Assistant Secretary.

[F. R. Doc. 38-3252; Filed, October 29, 1938; 10:12 a. m.]

1938 WHEAT CIRCULAR LETTER No. 3

SUPPLEMENTAL INSTRUCTIONS

SEPTEMBER 2, 1938.

Section 9 of the Instructions (1938 CCC Wheat Form 1)[1] relating to warehouse receipts is hereby amended and supplemented to provide that in the case of eligible wheat delivered by rail to an approved subterminal warehouse located at railroad transit point, the warehouse receipts issued by such subterminal warehouse representing eligible wheat, shall be accompanied by paid freight bills officially registered for transit privileges and bearing the stamped or typed notation over the signature of the station agent of the railroad as to the transit balance of the through freight from point of origin, applicable to such wheat, to the appropriate designated terminal market, provided that Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts on which a legend, signed by the warehouseman, has been stamped or typewritten in the following form or the certificate of such warehouseman containing such an undertaking:

The wheat represented hereby was received by rail freight as evidenced by original paid freight bill which has been officially registered for transit and will be held and kept alive, within statutory and tariff limitations, for the benefit of the holder hereof. The aforementioned original paid freight bill carries notation thereon by the railroad agent showing transit balance of through rate from point of origin to _____ (basic loan terminal market) of _____ cents per 100 pounds.

_____ (Warehouseman)

_____ (Address)

With reference to wheat grading No. 3 and/or No. 4 solely on account of test weight, otherwise meeting the requirements of the next higher grade as set forth in 1938 Wheat Circular Letter No. 1, arrangements have been made through the Bureau of Agricultural Economics to indicate the grade of such wheat upon certificates issued by inspectors licensed under the United States Grain Standards Act, under either of the following statements applicable to each such grade of wheat as the case may be:

"This wheat is grade No. 3 solely account test weight," or "This wheat is grade No. 4 solely account test weight."

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3255; Filed, October 29, 1938; 10:23 a. m.]

[1] 3 F. R. 1997 DI.

1938 WHEAT CIRCULAR LETTER No. 4

SUPPLEMENTAL INSTRUCTIONS

SEPTEMBER 9, 1938.

The definition of eligible farm stored wheat as set forth in Subsection (b) of Section 1 of the Instructions (1938 CCC Wheat Form 1)[1] is hereby amended to provide that wheat of the classes Hard Red Spring or Durum shall contain not more than 14½ per cent moisture and wheat of other eligible classes shall not contain more than 14 per cent moisture. Wheat grading tough shall not be considered eligible.

The loan value of wheat stored in Stockton and Oakland, California, shall be the same as wheat stored in San Francisco and Los Angeles, California.

Evidence of the protein content of wheat of the subclass Red Winter of the class Soft Red Winter need not be submitted by terminal or subterminal warehouses located in the districts served by the following Loan Agencies of Reconstruction Finance Corporation as set forth in Section 18 of the Instructions (1938 CCC Wheat Form 1):

Chicago, Cleveland, Detroit, Louisville, Nashville, New York, Philadelphia, Richmond, and St. Louis.

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3256; Filed, October 29, 1938; 10:24 a. m.]

1938 WHEAT CIRCULAR LETTER No. 5

SUPPLEMENTAL INSTRUCTIONS

SEPTEMBER 19, 1938.

Evidence of the protein content of eligible wheat of the subclasses Soft White, Western White, White Club, and Western Red need not be submitted by terminal or subterminal warehouses approved by Commodity Credit Corporation for the storage of wheat.

In lieu of protein certificates issued prior to unloading of the wheat delivered by or for the account of producers to approved terminal and subterminal warehouses, Commodity Credit Corporation will accept warehouse receipts and protein certificates accompanied by a certificate of the warehouseman in the following form:

The undersigned warehouseman certifies that a protein analysis on wheat represented by warehouse receipt No. _____, dated _____, 1938, was not requested prior to the unloading of such wheat; that a protein analysis is not customary for the kind of wheat in question, in the market in which the undersigned warehouseman is located; that there is attached a protein certificate in form and issued by an outside laboratory customarily used by the trade of said market, setting forth the protein content of a bin-run sample of wheat of the kind, grade and equal quality of the wheat, represented by said warehouse receipt, which was inspected prior to unloading and that the protein content of the wheat delivered upon the presentation of said warehouse receipt will

[1] 3 F. R. 1997 DI.

not be less than the protein content stated in said certificate, within one-half of one per cent.

Location: _____
(Warehouse Company)

_____

By _____

It is intended that warehousemen shall issue the foregoing certificates only in those instances in which the wheat delivered by or for producers was unloaded and binned prior to the receipt of the wheat regulations of Commodity Credit Corporation, or in those markets in which it is not customary to make a protein analysis upon the delivery of wheat.

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3257; Filed, October 29, 1938; 10:24 a. m.]

1938-39 COTTON CIRCULAR LETTER No. 1

SEPTEMBER 20, 1938.

Due to the anticipated congestion of warehouse facilities in central areas in Texas, Oklahoma and New Mexico, Commodity Credit Corporation will recognize liens for freight and compression charges in accordance with these instructions on cotton moved by or for the account of producers to approved port warehouses situated in Texas making satisfactory arrangements with Commodity Credit Corporation.

Such liens will be recognized only to the extent of the lowest possible rail transportation cost from shipping point to the port warehouse, based on the rate applicable to 65,000 pound minimum loadings except that with respect to irrigated cotton the rail rate based on 50,000 pound minimum loadings may be used. Liens will be recognized for high density compression charges with respect to cotton shipped by rail under the 65,000 pound minimum loading rate and for standard density compression charges, with respect to irrigated cotton shipped by rail under the 50,000 pound minimum rail rate. Freight and compression charges shall be based on receiving weights of the port warehouse. No leins for patching will be recognized. All liens shall be stated in the warehouse receipts and each note and loan agreement must be accompanied by the following additional certificate of the warehouseman:

The cotton securing the attached note of _____, dated _____
(Name and Address of Producer)
in the amount of $_____ was moved by _____ from _____ to the
(rail or truck)
warehouse stated in said loan agreement and freight thereon in the amount of $_____ was paid by the undersigned as evidenced by signed duplicate freight bills or truckers' receipts attached hereto. Compression charges in the amount of $_____ were also paid _____, in accord-
(Warehouse Company and Address
ance with the tariff of such warehouseman. The original freight bills covering such cotton will be held and kept alive, within statutory and tariff limitations for the benefit of the holder of said warehouse receipts. Notwithstanding the terms of the warehouse receipts lien will not be claimed for more than the amount stated in the warehouseman's certificate and waiver in said loan agreement plus the amounts shown herein for compression and the lowest possible rail transportation cost from the shipping point to any port warehouse in Texas or the amount paid for freight as stated herein, whichever is less as determined by Commodity Credit Corporation.

Date_____ _____
(Warehouse Company)
Location_____ By_____

Payment will be made of freight and compression charges recognized by Commodity Credit Corporation at the time storage charges are paid. No compression charges will be paid on any cotton moved by truck.

Under this arrangement producers will have the option of storing their cotton at port locations which will prevent any congestion at interior points.

Lists of port warehouses where liens for freight and compression of cotton will be recognized by Commodity Credit Corporation, will be made available by the Loan Agency of the Reconstruction Finance Corporation serving the district in which the warehouse is located.

[SEAL] G. E. RATHELL,
Treasurer.

[F. R. Doc. 38-3253; Filed, October 29, 1938; 10:23 a. m.]

1938 WHEAT CIRCULAR LETTER No. 6

SUPPLEMENTAL INSTRUCTIONS

SEPTEMBER 26, 1938.

1. Subsection (a) of Section 3 of the Instructions (1938 CCC Wheat Form 1)[1] is hereby supplemented by adding the following basic loan value for wheat of the added grade and subclass at the terminal markets indicated:

Market	Grade and subclass	Loan value per bushel
Minneapolis, St. Paul, Duluth, Minnesota, and Superior, Wisconsin.	No. 2 Hard Amber Durum Wheat.	$0.74

2. Due to the lack of approved warehouse space in the states of Michigan and Ohio under the wheat loan program, Commodity Credit Corporation will make advances on wheat originating in such states and stored in approved warehouses in Buffalo, New York, at the Michigan or Ohio loan values (depending on point of origin) plus the per bushel freight costs in carload lots as evidenced by paid freight bills registered for transit privileges. In lieu of the delivery of such bills Commodity Credit Corporation will accept warehouse receipts representing such wheat stored in Buffalo, on which a legend, signed by the warehouseman, has been typed or stamped substantially in the following form, or certificate of such warehouseman containing such an undertaking:

The wheat represented hereby was shipped from _____ and the original paid freight bill covering same has been registered for transit and will be held and kept alive, within statutory limitations, for the benefit of the holder hereof. The freight from said shipping point to Buffalo on wheat in carload lots is _____ cents per bushel.

_____
(Warehouseman)

3. Such legend or certificate will be accepted in lieu of the legend or certificate required under the last sentence of Section 9 of the Instructions (1938 CCC Wheat Form 1). Notes secured by such wheat stored in Buffalo may be submitted to the Cleveland, Ohio, Detroit, Michigan, or New York City Loan Agencies of Reconstruction Finance Corporation. Producers must arrange for the payment of all charges except freight up to the unloading of the wheat in an approved terminal warehouse in Buffalo. The advance of Commodity Credit Corporation will permit the reimbursement of any amounts paid or advanced for freight.

4. Section 5 of said Instructions (1938 CCC Wheat Form 1) is hereby amended to include the states of California and Nevada in the area in which the quantity of smut shall be determined on a percentage basis.

5. In accordance with the following procedure, Commodity Credit Corporation will permit producers to obtain the benefit of any premium value of high protein wheat and high quality Durum pledged as security to notes and loan agreements or mortgages on 1938 CCC Wheat Forms A and B. At any time prior to May 15, 1939, the producer may notify Commodity Credit Corporation of his desire to withdraw pledged or mortgaged wheat of a protein content in excess of 12%, or, in the case of Durum, wheat of a quality higher than ordinary and country run quality or equal Amber or Hard Amber Durum. If such producer has complied with the terms of the loan agreement or mortgage, Commodity Credit Corporation will advise the producer not later than June 1, 1939, of the terms under which such pledged wheat may be withdrawn. Such terms shall consist of one of the following and the producer shall have thirty (30) days from the date of such advice to comply therewith:

(a) The payment of an amount equal to the current market value at point of storage, as determined by Commodity Credit Corporation, of an equal quantity of wheat of the same grade and subclass and country run quality or equal as the wheat originally pledged but containing 12% protein, or Amber or Hard Amber Durum of the same grade;

(b) The delivery of warehouse receipts issued by an approved warehouseman, dated not earlier than the receipts to be released, at a point not less favorably located than the original warehouse point, representing an equal quantity of wheat of the same grade and subclass and country run quality or equal as the

[1] 3 F. R. 1997 DI.

wheat originally pledged but containing not less than 12% protein, or Amber or Hard Amber Durum of the same grade. Such warehouse receipts must be in the same form and accompanied by inspection and other certificates required for obtaining the loan in the first instance and will be held in lieu of the wheat released.

6. The definition of eligible wheat, as set forth in Subsection (b) of Section 1 is hereby supplemented as follows: "Eligible wheat stored on farms shall include wheat of the class Hard Red Spring graded No. 4, solely on the factor of test weight per bushel, which wheat otherwise meets the requirements of the next higher grade for damaged kernels, foreign material and wheats of other classes."

7. Wheat of the classes Hard Red Winter, Soft Red Winter and White containing not more than 14½% moisture, if otherwise meeting the requirements of Commodity Credit Corporation, and in good, sound condition, will be eligible for a loan at a rate of two cents (2¢) per bushel less than the rate for such wheat testing 14% or less in moisture content, when stored on the farm in all counties in the state of Michigan and in the following counties in the states of Indiana and Ohio:

Indiana.—Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, DeKalb, Delaware, Elkhart, Fountain, Fulton, Grant, Hamilton, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, La Grange, Lake, LaPorte, Madison, Marshall, Miami, Montgomery, Newton, Noble, Porter, Pulaski, Randolph, Saint Joseph, Starke, Steuben, Tippecanoe, Tipton, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitely.

Ohio.—Allen, Ashtabula, Auglaize, Carroll, Belmont, Clark, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Franklin, Fulton, Guernsey, Hancock, Hardin, Henry, Holmes, Huron, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Morrow, Muskingum, Ottawa, Paulding, Portage, Putnam, Richland, Seneca, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Williams, Wood, and Wyandot.

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3258; Filed, October 29, 1938; 10:24 a. m.]

1938 WHEAT CIRCULAR LETTER No. 7

SUPPLEMENTAL INSTRUCTIONS

OCTOBER 13, 1938.

1. The Instructions 1938 CCC Wheat Form 1) [1] issued by Commodity Credit Corporation for the 1938 wheat loan program are hereby amended to provide for a loan value of 50¢ per bushel for No. 1 Northern and No. 1 Dark Northern Spring wheat stored in the state of Utah and in all counties of Idaho south of Idaho county.

2. Commodity Credit Corporation will also make loans on the class MIXED WHEAT, consisting only of mixtures of those eligible grades of wheat on which loan values are established, provided such mixtures of wheat are the natural product of the field.

Wheat of the class mixed wheat (except mixed wheat graded amber mixed durum and mixed durum, on which basic loans are provided as noted below) will be eligible for loan at a discount of three cents (3¢) per bushel below the established loan rate for the comparable numerical grade of that class of wheat contained in the mixture which would take the lowest loan rate applicable to any sub-class thereof if it were not mixed.

3. Sub-section (a) of Section 3 of said Instructions is hereby supplemented by adding the following basic loan values for wheat of the description shown at terminal markets indicated:

Market	Grade and subclass	Loan value per bushel
Minneapolis, St. Paul, and Duluth, Minnesota, and Superior, Wisconsin.	No. 2 Amber Mixed Durum.	69¢
	No. 2 Mixed Durum.	62¢

Valid inbound inspection of grade, including wheat stored on farms, as required under Commodity Credit Corporation regulations, with specific reference to all grades of mixed wheat, should show the approximate percentage of each class of wheat in the mixture, the total of all of which should equal 100%.

[SEAL] JAS. A. COLE,
Special Assistant.

[F. R. Doc. 38-3259; Filed, October 29, 1938; 10:25 a. m.]

1938 WOOL CIRCULAR LETTER No. 4

SUPPLEMENTAL INSTRUCTIONS

OCTOBER 25, 1938.

1. The Instructions (1938 CCC Wool Form 1) [1] issued by Commodity Credit Corporation for the 1938 wool loan program are hereby amended to authorize the acceptance of notes on 1938 CCC Wool Forms A, B, C or M, dated on or before December 31, 1938. This extends the time for making loans on wool for an additional period of two months.

2. Prior to January 1, 1939, Commodity Credit Corporation will permit the grading of wool pledged as security to notes on 1938 CCC Wool Forms A, B or C and will recognize the lien of the warehouseman for grading charges of not more than ½¢ per pound. Such grading may be done only with the consent of the producers or pool representatives. The wool securing any one note must be graded separately and each grade of the wool must be repacked separately. The original warehouse receipt or receipts evidencing such graded wool must have attached thereto a certificate of the warehouseman substantially in the following form:

The undersigned warehouseman hereby certifies that at the written request of the borrower, _____ lbs. of wool represented by warehouse receipt Numbers ____, ____, ____, pledged as security to CCC Note dated _____, in the amount of $_____, was graded and each grade repacked separately in bags. The quantities of each grade are as follows:

Description	*Weight*
_____	_____
_____	_____
_____	_____
	Total _____ lbs.

A lien is claimed for grading said wool at the rate of ____¢ per pound.

_____
(Warehouseman)

Dated_____ By_____
(Title)

In the case of notes held by Commodity Credit Corporation, the foregoing certificate may be forwarded to the Loan Agency of Reconstruction Finance Corporation serving the district in which the wool is stored for attachment to the notes and warehouse receipts. In the case of notes held by lending agencies, the certificates must be attached to the warehouse receipts prior to the purchase of the notes by Commodity Credit Corporation.

3. In some instances, the quantity of wool securing one note will not be sufficient to justify the grading of such wool. Two or more producers desirous of having such wool graded may pay the notes and new loans may be obtained after the wool is pooled and graded, by utilizing the Graded Wool Note (1938 CCC Wool Form M). Commodity Credit Corporation will permit such wool to be reappraised and new loans may be obtained on such wool on or before December 31, 1938.

[SEAL] SAMUEL H. SABIN,
Secretary.

[F. R. Doc. 38-3260; Filed, October 29, 1938; 10:25 a. m.]

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1938-19]

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 16

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the

[1] 3 F. R. 1997 DI.

[1] 3 F. R. 1181 DI.

1938 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

The third paragraph of subsection A of Section VI is hereby amended to read as follows:

In computing such net payments and net deductions with respect to acreage allotments, general crops, and restoration land goals, the deduction with respect to commercial vegetables (item 5, subsection A, Section V) shall be regarded as a prorata deduction with respect to the potato acreage allotment and the cigar filler (type 41) or binder (types 51, 52, and 53) tobacco acreage allotment. The total amount of deductions computed under Section V with respect to (1) soil-depleting crops grown in excess of the total soil-depleting acreage allotment (item 6, subsection A); (2) failure to prevent wind and water erosion (subsection C); and (3) breaking out of native sod (subsection D) shall be regarded (a) as prorata deductions with respect to the payments computed under Section IV in connection with the wheat acreage allotment and general soil-depleting crops on class A farms, *Provided*, That if no such payments are computed for the farm the total amount of such deductions shall be regarded as a net deduction with respect to general soil-depleting crops; (b) as deductions with respect to the wheat acreage allotment on class B farms for which a payment is computed under Section IV in connection with a wheat acreage allotment; (c) as prorata deductions with respect to the payments computed under Section IV in connection with crop acreage allotments and the restoration land goal on class B farms for which no payment is computed in connection with a wheat acreage allotment; or (d) as deductions with respect to the soil-building goal on class B farms for which no payment is computed under Section IV in connection with crop acreage allotments or a restoration land goal, *Provided*, That any net amount of such deductions computed for such farms shall be divided equally among the landlords and tenants on the farm.

Done at Washington, D. C., this 28th day of October 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-3271; Filed, October 29, 1938; 12:22 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 4 to B. A. I. Order 341[2]]

REGULATIONS GOVERNING THE SANITARY HANDLING AND CONTROL OF HIDES, SKINS, FLESHINGS, HIDE CUTTINGS, PARINGS, GLUE STOCK, HAIR, WOOL, AND OTHER ANIMAL BYPRODUCTS, AND HAY AND STRAW OFFERED FOR ENTRY INTO THE UNITED STATES

OCTOBER 29, 1938.

Under authority of the act of Congress approved February 2, 1903, the regulations governing the sanitary handling and control of hides, skins, fleshings, hide cuttings, parings, glue stock, hair, wool, and other animal byproducts, and hay and straw offered for entry into the United States (B. A. I. Order 341), issued September 27, 1933, as amended, are hereby further amended in the following particulars:

Regulation 1 (CFR subparagraph (i)—Sec. 9.001) is modified by the elimination of the word "equines" and comma following, and the comma following the word "ruminants," in the definition of *Animal byproducts* therein.

Section 1, regulation 5, (CFR Sec. 9.005) is modified by inserting the word "and" in lieu of the comma following the word "cattle" in line 1; and by eliminating the words "and horses or other equines" and the commas preceding and following those words in the said line 1.

The effect of this amendment is to release hides and skins of horses and other equines from the requirements of the regulations contained in the said B. A. I. Order 341.

This amendment, which for purpose of identification is designated Amendment 4 to B. A. I. Order 341, shall be effective on and after December 1, 1938. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.) [B. A. I. Order 341, Reg. 1 and Reg. 5, Sec. 1, as amended by Amendment 4, October 29, 1938.]

Done at Washington this 29th day of October 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3272; Filed, October 29, 1938; 12:22 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3214]

IN THE MATTER OF THE WEBB CRAWFORD COMPANY ET AL.

SEC. 3.45 (e) (1) *Discriminating in price—Indirect discrimination — Brokerage payments.*—Granting, paying, transmitting and delivering, by seller-respondents Charles F. Cates & Sons, Inc., and four others, their officers, etc., in connection with sale of commodities in interstate commerce to respondent wholesale grocer, The Webb Crawford Co., of any fees or commissions as brokerage, or any allowance in lieu thereof, to said buyer-respondent, Webb Crawford Co., its officers, etc., or to certain individuals, officers and principal owners and operators of said buyer-respondent, as partners in broker-respondent, The Daniel Brokerage Co., or in their individual capacities; and accepting or receiving, by said buyer-respondent, its officers, etc., or by aforesaid certain individuals, either as partners, etc., or in their individual capacities, as above set forth, in connection with purchase of commodities in interstate commerce by said wholesale grocer buyer-respondent, Webb Crawford Co., of any fees or commissions as brokerage, or any allowance in lieu thereof; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., Supp. IV, sec. 13 (c).) [Cease and desist order, The Webb Crawford Company et al., Docket 3214, October 20, 1938.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF THE WEBB CRAWFORD COMPANY, A CORPORATION, ED. D. WIER, E. L. WIER, AND CARTER W. DANIEL, INDIVIDUALS TRADING UNDER THE FIRM NAME AND STYLE OF DANIEL BROKERAGE COMPANY, CHARLES F. CATES & SONS, INC., A CORPORATION, GODCHAUX SUGARS, INC., A CORPORATION, J. ARON & COMPANY, INC., A CORPORATION, MYLES SALT COMPANY, LTD., A CORPORATION, MORTON SALT COMPANY, A CORPORATION, J. D. JOHNSTON, JR., COMPANY, THE SHOTWELL MANUFACTURING COMPANY, CINCINNATI SOAP COMPANY AND JACKSON HAY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the parties respondent named in the caption hereof, testimony and other evidence, taken before John J. Keenan, an Examiner for the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed in support of said complaint and in opposition thereto and the oral arguments of John Darsey, counsel for the Commission, and Max Michael and Edgar Watkins, Sr., counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that the said parties respondent have violated, and are now violating, the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes" as amended by an Act of Congress approved June 19, 1936, entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement

[1] 3 F. R. 2543 DI.
[2] Amending CFR Sec. 9.001 (i), CFR Sec. 9.005.

[1] 2 F. R. 2497 (2905 DI).

existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U. S. C. Title 15, Sec. 13) and for other purposes":

It is ordered, That the respondents Charles F. Cates & Sons, Inc., Godchaux Sugars, Inc., J. Aron & Company, Inc., Myles Salt Company, Ltd., and Morton Salt Company, and their respective officers, representatives, agents and employees, in connection with the sale of commodities in inferstate commerce to the respondent The Webb Crawford Company, do forthwith cease and desist from granting, paying, transmitting and delivering to the respondent The Webb Crawford Company, its officers, representatives, agents or employees, and the respondents Ed. D. Wier, E. L. Wier, and Carter W. Daniel, either in their capacities as partners in the Daniel Brokerage Company, or in their individual capacities, any fees or commissions as brokerage or any allowance in lieu thereof.

It is further ordered, That the respondent The Webb Crawford Company, its officers, representatives, agents and employees, and the respondents, Ed. D. Wier, E. L. Wier and Carter W. Daniel, either in their capacities as partners in the Daniel Brokerage Company, or in their individual capacities, in connection with the purchases of commodities in interstate commerce by the respondent The Webb Crawford Company, do forthwith cease and desist from accepting or receiving from sellers any fees or commissions as brokerage or any allowance in lieu thereof.

It is further ordered That the complaint herein be, and the same hereby is, dismissed as to the respondents J. D. Johnston, Jr., Company, The Shotwell Manufacturing Company, Cincinnati Soap Company and Jackson Hay Company, for the reason that the respective individual members of said partnerships were not served with process herein.

It is further ordered That the parties respondent shall, within thirty (30) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-3275; Filed, October 31, 1938; 11:14 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

ACCOUNTS AND DEPOSITS

[1938—Department Circular No. 570 Revised [1]]

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

OCTOBER 17, 1938.

The following is a list of companies, as of October 14, 1938, holding certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

NAMES OF COMPANIES, LOCATIONS OF PRINCIPAL EXECUTIVE OFFICES, AND STATES IN WHICH INCORPORATED

California

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

Connecticut

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.

Delaware

9. Mellbank Surety Corporation, Pittsburgh, Pa.
10. Saint Paul-Mercury Indemnity Co. of St. Paul, Minn.

Illinois

11. American Motorists Insurance Co., Chicago.

Indiana

12. Continental Casualty Co., Chicago, Ill.
13. Inland Bonding Co., South Bend.

Kansas

14. The Kansas Bankers Surety Co., Topeka.
15. The Western Casualty and Surety Co., Fort Scott.

Maryland

16. American Bonding Co. of Baltimore.
17. Fidelity and Deposit Co. of Maryland, Baltimore.
18. Maryland Casualty Co., Baltimore.
19. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

20. American Employers' Insurance Co., Boston.
21. Massachusetts Bonding and Insurance Co., Boston.

Michigan

22. National Casualty Co., Detroit.
23. Standard Accident Insurance Co., Detroit.

Missouri

24. Central Surety & Insurance Corporation, Kansas City.
25. Employers Reinsurance Corporation, Kansas City.

New Hampshire

26. Peerless Casualty Co., Keene.

New Jersey

27. Commercial Casualty Insurance Co., Newark.
28. The Excess Insurance Co. of America, New York, N. Y.
29. International Fidelity Insurance Co., Jersey City.

New York

30. American Re-Insurance Co., New York.
31. American Surety Co. of New York.
32. Columbia Casualty Co., New York.
33. Eagle Indemnity Co., New York.
34. The Fidelity and Casualty Co. of New York.
35. General Reinsurance Corporation, New York.
36. Glens Falls Indemnity Co., Glens Falls.
37. Globe Indemnity Co., New York.
38. Great American Indemnity Co., New York.
39. The Home Indemnity Co., New York.
40. London & Lancashire Indemnity Co. of America, Hartford, Conn.
41. Merchants Indemnity Corporation of New York.
42. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
43. National Surety Corporation, New York.
44. New Amsterdam Casualty Co., Baltimore, Md.
45. New York Casualty Co., New York.
46. Phoenix Indemnity Co., New York.
47. The Preferred Accident Insurance Co. of New York.
48. Royal Indemnity Co., New York.
49. Seaboard Surety Co., New York.
50. Standard Surety and Casualty Co. of New York.
51. Sun Indemnity Co. of New York.
52. United States Casualty Co., New York.
53. United States Guarantee Co., New York.
54. The Yorkshire Indemnity Co. of New York.

Ohio

55. The Ohio Casualty Insurance Co., Hamilton.

Pennsylvania

56. Eureka Casualty Co., Philadelphia.
57. Indemnity Insurance Co. of North America, Philadelphia.

South Dakota

58. Western Surety Co., Sioux Falls.

[1] 2 F. R. 2177 (2535 DI).

Texas

59. American General Insurance Co., Houston.
60. American Indemnity Co., Galveston.
61. Commercial Standard Insurance Co., Fort Worth.
62. Employers Casualty Co., Dallas.
63. Texas Indemnity Insurance Co., Galveston.
64. Trinity Universal Insurance Co., Dallas.

Virginia

65. Virginia Surety Co., Inc., Roanoke.

Washington

66. General Casualty Co. of America, Seattle.
67. Northwest Casualty Co., Seattle.
68. United Pacific Insurance Co., Seattle.

FOREIGN COMPANIES AUTHORIZED TO DO A REINSURANCE BUSINESS ONLY

69. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).
70. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
71. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).
72. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).
73. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).
74. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-3277; Filed, October 31, 1938; 12:34 p. m.]

TITLE 43—PUBLIC LANDS

GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 253, IDAHO NO. 19

OCTOBER 18, 1938.

It appearing that the following-described public land in Idaho is necessary for the purpose, it is ordered, under and pursuant to the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights and the power site withdrawal affecting the land:

BOISE MERIDIAN

T. 13 S., R. 44 E., sec. 30, NE¼NW¼, 40 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 38-3274; Filed, October 31, 1938; 9:45 a. m.]

BUREAU OF RECLAMATION

[No. 21]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES [1]

OCTOBER 13, 1938.

1. *Annual operation and maintenance charges.*—The annual operation and maintenance charge for the irrigation season of 1939, and thereafter until further notice, against all lands of the Orland project, California, under public notice, shall be a minimum charge of one dollar and sixty cents ($1.60) per irrigable acre whether water is used thereon or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per acre; and additional water, up to the amount of the surplus natural flow water used prior to the time it becomes necessary to draw upon any storage water, will be furnished at the rate of ten (10) cents per acre-foot and further additional water at the rate of forty (40) cents per acre-foot.

2. *Time of payment.*—The minimum charge announced above will be due and payable on or before December 31, 1938, and no water will be delivered until it is paid. Charges for additional water will become due and payable on December 31 following the irrigation season. All charges are subject to the penalties prescribed by subsection H of section 4 of the act of December 5, 1924 (43 Stat., 701) if not paid on or before the due dates stated above. The same terms of payment will apply to further irrigation seasons unless subsequently modified.

3. *Method of billing and payment.*—All charges will be billed direct to the water users and will be payable by them to the Bureau of Reclamation, Orland, California.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 38-3273; Filed, October 31, 1938; 9:45 a. m.]

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

Notices

WAR DEPARTMENT.

APPOINTMENT OF CHAPLAINS IN THE REGULAR ARMY

1. Examination of applicants for appointment as chaplains in the grade of first lieutenant in the Regular Army under the provisions of AR 605-30 and the following special conditions will be held on December 6 and 7, 1938, in Washington, D. C.

2. In order to provide for existing or prospective denominational vacancies, applications will be restricted to clergymen duly accredited to the following denominations:

Reformed Church in America.
Roman Catholic.
Churches of Christ (not Disciples).
Baptist, South.

3. Eligibility to compete in the examination will be confined to candidates who are at the time of the examination—

a. Male citizens of the United States between the ages of 23 and 34 years.

b. Regularly ordained, duly accredited by and in good standing with one of the religious denominations listed above.

c. Graduates of both a 4-year college course and a 3-year theological seminary course.

d. Actively engaged in the ministry as the principal occupation in life and credited with 3 years' experience therein.

4. Full information and application blanks will be furnished upon request to The Adjutant General, Washington, D. C. Formal applications on W. D., A. G. O. Form No. 62, accompanied by at least three letters of recommendation, small photographs of applicants, and proper ecclesiastical indorsements must reach The Adjutant General not later than December 1, 1938. Applications received after that date will not be considered.

(Sec. 24, 41 Stat. 774; 10 U. S. C. 231.)
[Sec. I, Cir. No. 62, W. D., 1938.]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 38-3261; Filed, October 29, 1938; 10:25 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

NOTICE OF SEPARATION AND POSTPONEMENT OF HEARINGS ON MINIMUM PRICES AND MARKETING RULES AND REGULATIONS SUBMITTED BY DISTRICT BOARDS FOR DISTRICTS NOS. 9, 10, 11, 12, 13 (EXCEPT VAN BUREN, WARREN, AND M'MINN COUNTIES IN TENNESSEE), 14 AND 15

Notice is hereby given that the hearing in the matter of the proposal of minimum prices and marketing rules and regulations submitted by the District Boards for Districts Nos. 9, 10, 11, 12, 13 (except Van Buren, Warren and McMinn Counties in Tennessee), 14 and 15, as previously set by the Commission's Order dated October 21, 1938 [1] for the 3rd day of November, 1938 at 10:00 A. M. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C., has been separated so as to provide for that part of the hearing relating to Minimum Price Area No. 3 to be held in the City of Washington, D. C. on the 9th day of November, 1938, and so as to provide for that part of the hearing relating to Minimum Price Areas Nos. 2, 4, and 5 to be held in the

[1] 3 F. R. 2545 DI.

City of Chicago, Illinois on the 14th day of November, 1938.

Further notice is hereby given that the date for the hearing in the matter of the proposal of minimum prices and marketing rules and regulations submitted by the District Board for District No. 13 (except Van Buren, Warren and McMinn Counties in Tennessee), as previously set by Commission Order dated October 21, 1938, for the 3rd day of November, 1938 at 10:00 A. M. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C. has been postponed from said date of November 3, 1938 to November 9, 1938, at the same hour and place.

Further notice is hereby given that the date for the hearing in the matter of the proposal of minimum prices and marketing rules and regulations submitted by the District Boards for Districts Nos. 9, 10, 11, 12, 14 and 15, as previously set by the Commission's Order dated October 21, 1938, for the 3rd day of November, 1938 at 10:00 A. M. in the Hearing Room of the Commission at 15th and Eye Streets NW., Washington, D. C., has been postponed from said date of November 3, 1938 to November 14, 1938 at the hour of 10:00 A. M. in the hearing Room of the Commission in the Morrison Hotel, Chicago, Illinois.

The Secretary of the Commission shall cause a copy of this Notice of Separation of Hearing and Postponement to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of Districts Nos. 9, 10, 11, 12, 13, 14 and 15, and shall cause copies hereof to be mailed to each code member, the Consumers' Counsel, and to the Secretary of each District Board, and to be made available for inspection in each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 29th day of October, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-3276; Filed, October 31, 1938; 11:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 27, 1938.

To W. H. HILL AND JACK COULTER, *doing business as Amarillo Livestock Sales Company, Amarillo, Tex.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Amarillo Livestock Sales Company, at Amarillo, State of Texas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN, *Acting Secretary of Agriculture.*

[F. R. Doc. 38-3268; Filed, October 29, 1938; 12:21 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 27, 1938.

To J. B. H. YOUNG, J. D. HARDGROVE, AND J. W. HARDGROVE, *doing business as Clovis Livestock Sales Company, Clovis, N. Mex.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Clovis Stock Yards, at Clovis, State of New Mexico, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN, *Acting Secretary of Agriculture.*

[F. R. Doc. 38-3269; Filed, October 29, 1938; 12:21 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 27, 1938.

To KISSIMMEE LIVESTOCK MARKET, INC., *Kissimmee, Fla.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Kissimmee Livestock Market, at Kissimmee, State of Florida, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN, *Acting Secretary of Agriculture.*

[F. R. Doc. 38-3270; Filed, October 29, 1938; 12:21 p. m.]

[1] Modifies list posted stockyards 9 CFR 13.034.

[1] Modifies list posted stockyards 9 CFR 13.034.

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 2-401 (E)-1]

CONTINENTAL AIR LINES, INC., APPLICATION FOR PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) FOR THE TRANSPORTATION BY AIR OF MAIL, PASSENGERS AND PROPERTY IN SCHEDULED OPERATIONS BETWEEN DENVER, COLORADO, AND EL PASO, TEXAS, VIA COLORADO SPRINGS, PUEBLO AND TRINIDAD, COLORADO, AND LAS VEGAS, SANTA FE AND ALBUQUERQUE, NEW MEXICO

OCTOBER 28, 1938.

The above-entitled proceeding is assigned for public hearing on November 10, 1938, 10 o'clock a. m. (standard Time), at the office of the Civil Aeronautics Authority (Hearing Room No. 1851), Washington, D. C., before Examiner A. G. Nye.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 38-3262; Filed, October 29, 1938; 11:17 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3588]

IN THE MATTER OF LOUIS COHEN, ALSO KNOWN AS LOUIS KAHN, TRADING AS NATIONAL GUARD EQUIPMENT COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, November 19, 1938, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-3267; Filed, October 29, 1938; 12:13 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 304]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 26, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	*Amount*
Alabama R9026A1 Barbour	$374,000
Alabama R9027A1 Conecuh	236,000
Alabama 9031A1 Mobile	359,000
Delaware 9002B1 Sussex	29,836
Delaware R9002B2 Sussex	279,164
Indiana 9024B1 Carroll	145,000
Indiana 9074B1 Huntington	122,000
Iowa R9047G3 Franklin	165,000
Iowa R9048G4 Pocahontas	25,000
Iowa R9049C1 Hardin	64,000
Iowa R9060A1 Emmet-Dickinson	431,000
Minnesota R9055C1 Watonwan	225,000
Mississippi 9022B1 Leake	245,000
Nebraska R9059A1 Butler	165,000
North Carolina R9014C1 Pitt	56,000
North Carolina R9031A1 Halifax	62,000
Ohio 9031C1 Holmes	14,300
Ohio R9031C2 Holmes	124,700
Ohio 9065C1 Fairfield	332,000
Ohio R9091G1 Preble	237,000
Pennsylvania R9013C1 Tioga	240,000
Pennsylvania R9014B1 Clearfield	226,000
Texas 9062A1 Bailey	178,000
Texas 9063C1 Navarro	178,000
Texas 9069A1 Erath	189,000
Texas 9070A1 Hamilton	286,000
Wisconsin R9056G1 Crawford	500,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-3250; Filed, October 29, 1938; 10:11 a. m.]

[Administrative Order No. 305]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 26, 1938.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	*Amount*
Kentucky 9031W1 Union	$3,000
North Carolina R9023W3 Caldwell	17,000
Ohio 9086W1 Guernsey	5,000
Ohio 9087W1 Wood	10,000
Washington 9018W1 Spokane	20,000
West Virginia 9010W1 Harrison	15,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-3251; Filed, October 29, 1938; 10:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1938.

[File No. 32-89]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY

ORDER EXEMPTING ISSUE AND SALE OF BONDS PREVIOUSLY AUTHORIZED BY A STATE COMMISSION

Virginia Public Service Company, a direct subsidiary of Eastern Power Company, a registered holding company, and an indirect subsidiary of Southeastern Electric and Gas Company, General Gas and Electric Corporation, Associated Gas and Electric Corporation and Associated Gas and Electric Company, all registered holding companies, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of that Act of the issue and sale by it of $677,000 principal amount of Newport News and Hampton Railway, Gas and Electric Company (a constituent company) First and Refunding Mortgage 5% Gold Bonds, due January 1, 1944, at private sale, the proceeds of the said sale to be used solely to retire at maturity $677,000 principal amount of Newport News and Old Point Railway and Electric Company (a constituent company) First Mortgage, Forty Years, 5% Gold Bonds due November 1, 1938, both of which issues were assumed by the applicant as successor company by merger as of December 31, 1926;

A hearing on said application, as amended, having been duly held [1] after appropriate notice; the record in this matter having been examined and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the said bonds be, and the same hereby are, exemepted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; subject, however, to the following conditions:

(1) That such issue and sale of the said bonds shall be in compliance with the terms and conditions of, and for the purposes represented by said application, as amended, and in compliance with the terms and conditions imposed by the order of the State Corporation Commission of the Commonwealth of Virginia.

(2) That (a) in January 1939 and each month thereafter, before the declaration or payment of any dividend upon any class of applicant's stock, applicant shall expend for maintenance or accrue to its reserve for retirements, renewals and replacements (or any similar reserve which may be created through the adoption of a different classification of accounts) not less than 16% of its gross revenues derived from its electric and gas operations and not less than 25% of its gross revenues derived from its street railway operations; and that (b) after the date of this order no dividend upon the common stock of applicant shall be declared or paid unless and until this Commission, upon application, shall have approved the declaration and payment of the proposed dividend. The conditions imposed by this paragraph "(2)" shall continue in effect until the applicant shall satisfy this Commission that there has been such improvement in its security structure, the maintenance of its properties, its depreciation policies, and/or in other respects as to justify modification or termination of said conditions by this Commission in accordance with the principles and applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations adopted thereunder.

(3) That prior to the issuance of said bonds applicant shall surrender to the trustee for cancellation all of the Newport News and Hampton Railway, Gas and Electric Company First and Refunding Mortgage 5% Gold Bonds, due January 1, 1944, previously issued and now held in applicant's treasury.

(4) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of the bonds by the State Corporation Commission of the Commonwealth of Virginia shall be revoked or shall otherwise terminate.

(5) That within ten days after the initial issue and sale of the said bonds and monthly thereafter, until all of the said bonds have been sold, the applicant shall file with this Commission its Certificate of Notification showing that the issue and sale of the said bonds have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended, and stating the aggregate amount of the bonds issued and sold to date.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3263; Filed, October 29, 1938; 12:02 p. m.]

[1] 3 F. R. 1458 DI.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1938.

[File No. 32-89]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY

ORDER MAKING DOCUMENTS PART OF RECORD

The hearing on the above matters having been ordered closed [1] on the 22nd day of July, 1938; and

[1] 3 F. R. 1458 DI.

Subsequent to that date the applicant by its counsel having stipulated on October 28, 1938, that the following documents may be made part of the record in these proceedings:

(1) Letter dated August 3, 1938 from Lynne A. Warren, counsel to the applicant, to this commission relating to the bonds proposed to be issued herein.

(2) Copy of "Final Order" in a cause entitled "Commonwealth of Virginia at the Relation of State Corporation Commission vs. Virginia Public Service Company and Others (Case No. 6486)" dated August 22, 1938.

(3) Copy of "Final Decree" in a cause entitled "Commonwealth of Virginia at the Relation of Abram P. Staples, Attorney General of Virginia, vs. Virginia Public Service Company, a Virginia Corporation (Case No. 6507)".

(4) Copy of "Stipulation and Agreement for Settlement of Case" in a cause entitled "Commonwealth of Virginia at the Relation of Abram P. Staples, Attorney General of Virginia, vs. Virginia Public Service Company, a Virginia Corporation (Case No. 6507)", dated August 19, 1938, and the exhibits attached thereto.

(5) Letter from J. M. Costello, treasurer of the applicant, to this Commission dated August 31, 1938 relating to the stipulation entered into between the applicant and the Attorney General of Virginia, dated August 19, 1938.

(6) Letter from J. M. Costello, treasurer of the applicant, to this Commission, dated September 6, 1938.

(7) Letter dated October 28, 1938 from J. M. Costello, treasurer of the applicant, to the Securities and Exchange Commission, attaching a copy of a proposed order of the Commission and of a resolution of the Board of Directors of the applicant adopted October 19, 1938.

It now appearing that the said documents and stipulation are material to the issues in the above matter;

It is ordered, That the said documents and stipulation be, and the same hereby are, made a part of the record herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3264; Filed, October 29, 1938; 12:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1938.

[File Nos. 32-99, 46-106]

IN THE MATTER OF THE DAYTON POWER AND LIGHT COMPANY AND THE COLUMBIA GAS & ELECTRIC CORPORATION

ORDER GRANTING APPLICATION

The Dayton Power and Light Company, a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of 42,500 shares of its common stock without par value to said Columbia Gas & Electric Corporation;

Columbia Gas & Electric Corporation having filed an application pursuant to Section 10 (a) (1) of said Act for approval of the acquisition of the sale of said stock at a price of $2,550,000;

A public hearing having been held[1] on said applications after appropriate notice; and the Commission having considered the record in these matters and made and filed its findings herein:

It is ordered, That said applications be and the same hereby are granted, subject to the following terms and conditions:

(1) That the issue and sale by Dayton and the acquisition by Columbia be in conformity with the terms and for the purposes represented by the respective applications.

(2) That within ten days after the issue and sale of its securities Dayton shall file with this Commission a certificate of notification to the effect that the issue and sale have been carried out pursuant to the terms of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3265; Filed, October 29, 1938; 12:02 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1938.

[Files No. 43-103, 47-19]

IN THE MATTER OF REPUBLIC ELECTRIC POWER CORPORATION, SOUTHERN OREGON GAS CORPORATION, CALIFORNIA UTILITIES COMPANY, NEEDLES GAS AND ELECTRIC COMPANY, WEAVERVILLE ELECTRIC COMPANY, APACHE GAS COMPANY, AND GAS TRANSPORT COMPANY

SUPPLEMENTARY ORDER APPROVING PLAN AND PERMITTING DECLARATIONS AND APPLICATIONS TO BECOME EFFECTIVE

The Republic Electric Power Corporation of Delaware, a registered holding company, and its subsidiaries, with properties in California, Oregon, and Oklahoma, have jointly filed a declaration under Section 7 and applications under Sections 10, 11 (e) and 12 (d), and amendments thereto, regarding the sale and issuance of securities and acquisition and sale of utility assets incident to a comprehensive plan of reorganization and recapitalization. As part of the Revised Plan, the applicants and declarants consent to an order providing for the ultimate disposition of Republic Electric Power Corporation of the properties of Apache Gas Company and Gas Transport Company and the dissolution of the Republic Mutual Service Company, in conformity with Section 11 (b), and the simplification of the system's corporate structure.

A public hearing having been held[1] after appropriate notice; the applicants and declarants having waived a trial examiner's report, submission of proposed findings of fact to the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission and all arguments before the Commission, prior to the entry of the Commission's findings, opinion, and order herein; and the Commission having considered the record in these matters; and having filed its findings and opinion and preliminary order herein:

It is ordered, That the Revised Plan filed under Section 11 (e) be, and hereby is, approved, and such approval shall include each of the following steps to be taken under such plan:

(1) The transfer by Republic Electric Power Corporation of all its assets and securities and the Weaverville Ice Plant and securities and obligations of Needles Steam Laundry to the California Pacific Utilities Company (the operating company which will result from the merger of the constituent companies and hereinafter referred to as the Surviving Corporation);

(2) the cancellation by Republic Electric Power Corporation of so much of the note obligations of Needles Gas and Electric Company, California Utilities Company, and Weaverville Electric Company as exceeds $425,000;

(3) the merger of California Utilities Company, Needles Gas and Electric Company, and Weaverville Electric Company into Southern Oregon Gas Corporation;

(4) the assumption by the Surviving Corporation of all the assets and noncanceled liabilities of the constituent corporations;

(5) the issuance by the Surviving Corporation to Republic Electric Power Corporation of 4,250 shares of 5% First Preferred, 6,690 shares 5% Second Preferred, and 6,450 shares Common;

(6) the execution by the Surviving Corporation of an open-end indenture of trust;

(7) the issuance by the Surviving Corporation of $475,000 First and Refunding Mortgage Bonds, $425,000 of which will be issued to Republic Electric Power Corporation and $50,000 of which will be issued to the Niagara Share Corporation, in cancellation, respectively, of the indebtedness of its constituent corporations;

(8) the issuance by Gas Transport Company and Apache Gas Company to Republic Electric Power Corporation of non-negotiable notes totaling $200,000;

[1] 3 F. R. 1941 DI.

[1] 3 F. R. 2268 DI.

(9) the issuance by Apache Gas Company to Republic Electric Power Corporation of a non-negotiable note covering the balance of its indebtedness to the Republic Electric Power Corporation and the transfer of this note by Republic Electric Power Corporation to the Surviving Corporation;

(10) the issuance by Republic Electric Power Corporation to Niagara Share Corporation of a $200,000 non-negotiable note, in cancellation of a like amount indebtedness, and to accompany this note with the pledge of the $200,000 non-negotiable note issued to it by Gas Transport Company and Apache Gas Company and all the shares of Apache Gas Company and Gas Transport Company;

(11) the transfer by Republic Electric Power Corporation to Niagara Share Corporation of all the First and Refunding Mortgage Bonds and all the First and Second Preferred Stock which it received from the Surviving Corporation, in cancellation of $1,094,000 indebtedness to Niagara Share Corporation;

(12) the distribution by Republic Electric Power Corporation of the Common stock which it will receive from the Surviving Corporation to its own stockholders on a share-for-share basis;

(13) the disposition by Republic Electric Power Corporation to third persons, other than the present management of Republic Electric Power Corporation, of its interests in Apache Gas Company and Gas Transport Company; and

(14) the dissolution, within one year from the effective date of this Order, of the Republic Electric Power Corporation and the Republic Mutual Service Company.

It is further ordered, That, in pursuance of Section 11 (b) and in accordance with the express consent of the Republic Electric Power Corporation that within one year of the date of this Order:

(1) Republic Electric Power Corporation distribute its common stock holdings of the Surviving Corporation to its stockholders; and

(2) Republic Electric Power Corporation dispose of its interests in the Apache Gas Company and Gas Transport Company to third persons, other than the present management of the Republic Electric Power Corporation.

And it is further ordered, That the declarations,

(1) by the Surviving Corporation regarding the issuance of First and Refunding Mortgage Bonds, common stock, and preferred stock;

(2) by Apache Gas Company regarding the issuance of non-negotiable notes;

(3) by Gas Transport Company regarding the issuance of a non-negotiable note; and

(4) by Republic Electric Power Corporation regarding the issuance of a non-negotiable note;

be and become effective forthwith subject to the terms and for the purposes represented thereby.

That the applications,

(1) by the Surviving Corporation regarding the acquisitions of interests in business and securities; and

(2) by Republic Electric Power Corporation regarding the acquisition of securities;

be and hereby are approved.

And it is further ordered, That the application by Republic Electric Power Corporation regarding the sale or other disposition of the securities and public utility assets be and the same is hereby approved, except that no authorization is given to Republic Electric Power Corporation to dispose of its interests in Apache Gas Company and Gas Transport Company by the sale of the securities of the latter companies, and if Republic Electric Power Corporation desires to make such a disposition of its interests the Commission reserves jurisdiction over such transaction. The authorization herein granted is subject to the condition that if the sale of Republic Electric Power Corporation's interests in Apache Gas Company and Gas Transport Company takes the form of a sale of assets and properties, Republic Electric Power Corporation must give this Commission twenty days' notice, in writing, of its intention to sell and of the terms of such sale, and if within that twenty-day period the Commission does not issue an order requiring Republic Electric Power Corporation to show cause why the terms and conditions of such sale, and the effect thereof, are not detrimental to the public interest or the interests of investors or consumers, and will not circumvent the provisions of the Act or any rules, regulations, or order of the Commission thereunder, then the sale may be consummated without further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-3266; Filed, October 29, 1938; 12: 03 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1938.

[File No. 32-111]

IN THE MATTER OF ARKANSAS WESTERN GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 17, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 12, 1938.

The matter concerned herewith is in regard to an application by Arkansas Western Gas Company, a subsidiary of Southern Union Gas Company, a registered holding company, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of $750,000 principal amount of applicant's First Mortgage Series A Ten-year 5% Sinking Fund Bonds, to be dated October 15, 1938 and to mature October 15, 1948; and the issue and exchange of 2,500 shares of new 6% Fifty-dollar Par Value Cumulative Preferred Stock for $125,000 principal amount of applicant's Five-year 7% Gold Debentures, due January 1, 1939 (now owned by Southern Union Gas Company, the parent of applicant).

The proceeds from the sale of the First Mortgage Bonds are intended to be used for the purpose of retiring applicant's presently outstanding First (closed) Mortgage 7% Sinking Fund Gold Bonds due January 1, 1939, to provide working capital and for other corporate purposes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-3278; Filed, October 31, 1938; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1938.

[File No. 32-112]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 16, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day, the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 11, 1938.

The matter concerned herewith is in regard to the application of the above named company which is a subsidiary of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, requesting that (1) the issue of promissory notes in the principal amount of $13,000,000 due nine months or less from date of issue, (2) the issue and sale of 130,000 shares of preferred stock without par value entitled to cumulative dividends of $5 per annum and (3) the issue and sale of interim receipts for such stock be exempted from the provisions of Section 6 (a) of said Act. There is also a request for alternative consideration of the application as a declaration under Section 7.

According to statements contained in the application the applicant proposes to offer such $5 preferred stock to the public through underwriters for the purpose of financing its business and out of the proceeds proposes to redeem the present preferred stock consisting of 90,000 shares with $100 par value entitled to dividends of 7% per annum, and 40,000 shares with $100 par value entitled to dividends at 6% per annum. The applicant further states that to accomplish this it is necessary, first, to issue the above notes to certain banks for the purpose of borrowing sufficient funds for such redemption and, second, to issue to subscribers to the proposed new preferred stock interim receipts for the purpose of evidencing their rights to certificates of the new preferred stock when issued.

It further appears, according to statements contained in the application, that the issue and sale of the new preferred stock and of the interim receipts therefor are subject to the approval of the Missouri Public Service Commission, but that the issue of the notes is not so subject.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3279; Filed, October 31, 1938; 12:51 p. m.]